



O I P E J C 1 3  
JUL 22 2004  
UNITED STATES PATENT AND TRADEMARK OFFICE

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APPLICATION NUMBER	FILING OR 371 (c) DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
10/828,891	04/21/2004	Mirko Marinoni	43410-0417

21611  
SNELL & WILMER LLP  
1920 MAIN STREET  
SUITE 1200  
IRVINE, CA 92614-7230

### CONFIRMATION NO. 5861

### FORMALITIES LETTER



\*OC000000013087458\*

Date Mailed: 06/28/2004

### NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

07/22/2004 JADD01 00000057 192814 10828891      **FILED UNDER 37 CFR 1.53(b)**  
01 FC:2051      65.00 DA

*Filing Date Granted*

#### Items Required To Avoid Abandonment:

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The oath or declaration is unsigned.
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(e) of \$65 for a small entity in compliance with 37 CFR 1.27, must be submitted with the missing items identified in this letter.

#### SUMMARY OF FEES DUE:

Total additional fee(s) required for this application is **\$65** for a Small Entity

- **\$65** Late oath or declaration Surcharge.

Replies should be mailed to: Mail Stop Missing Parts  
Commissioner for Patents  
P.O. Box 1450  
Alexandria VA 22313-1450

R E C E I V E D  
JUN 30 2004

**SNELL & WILMER**

*A copy of this notice **MUST** be returned with the reply.*

R. Negeen

Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART I - ATTORNEY/APPLICANT COPY

Response To Notice To File Missing Parts Of Application  
Filing Date Granted (PTO-1533) (Small Entity)

Docket No.  
43410-0417

In Re Application Of: Mirko Marinoni

JUL 22 2004

Serial No.	Filing Date	Examiner	Group Art Unit
10/828,891	4-21-2004		3635

Invention: MOUNTING STRUCTURE

Mail Stop Missing Parts

TO THE COMMISSIONER FOR PATENTS:

This is a response to the Notice to File Missing Parts of Application - Filing Date Granted (PTO-1533) mailed on

6-28-2004

Date

Enclosed herewith for filing are the following:

- A copy of the Notice to File Missing Parts of Application - Filing Date Granted (PTO-1533). (REQUIRED)
- An oath or declaration in compliance with 37 CFR 1.63, including residence information and identifying the application by the above Application Number and Filing Date.
- A properly signed oath or declaration in compliance with 37 CFR 1.63.
- An oath or declaration in compliance with 37 CFR 1.63 listing the names of all inventors and signed by the omitted inventor(s), identifying this application by the above Application Number and Filing Date.
- A verified English translation of the non-English language application papers as originally filed. It is requested that this translation be used as the copy for examination purposes in the United States Patent and Trademark Office.
- \_\_\_\_\_ verified small entity declaration(s)
  - is/are attached.
  - was/were filed on \_\_\_\_\_
- A separate request for refund.
- Other (list):

Information Disclosure Statement

**Response To Notice To File Missing Parts Of Application  
Filing Date Granted (PTO-1533)(Small Entity)**

Docket No.  
43410-0417

In Re Application Of: **Mirko Marinoni**

Serial No.  
**10/828,891**

Filing Date  
**4-21-2004**

Examiner

Group Art Unit  
**3635**

Invention: **MOUNTING STRUCTURE**

**TO THE COMMISSIONER FOR PATENTS:**

**Mail Stop Missing Parts**

Completion of application fees as calculated below:

Utility application filing fee \_\_\_\_\_

Design application filing fee \_\_\_\_\_

Total number of independent claims = \_\_\_\_\_

Total number of claims = \_\_\_\_\_

Multiple dependent claims \_\_\_\_\_

Surcharge for late payment of filing fee and/or late filing of original declaration or oath **\$65.00**

Petition and fee for filing by other than all the inventors or a person not the inventor \_\_\_\_\_

Fee for processing an application filed with a non-English language specification \_\_\_\_\_

Fee for processing and retention of application \_\_\_\_\_

Total completion of application fees **\$65.00**

This is a request under the provisions of 37 CFR 1.136(a) to extend the period for filing a response to the above-identified Notice to File Missing Parts of Application. The requested extension is as follows (check time period desired). If an additional time extension is required, please consider this a petition therefor.

One month       Two months       Three months       Four months       Five months

from: \_\_\_\_\_

*Date*

until: \_\_\_\_\_

*Date*

Total time extension fees \_\_\_\_\_

Total fees due **\$65.00**

**Response To Notice To File Missing Parts Of Application  
Filing Date Granted (PTO-1533) (Small Entity)**

Docket No.  
43410-0417

In Re Application Of: **Mirko Marinoni**

Serial No.

**10/828,891**

Filing Date

**4-21-2004**

Examiner

Group Art Unit

**3635**

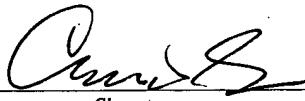
Invention: **MOUNTING STRUCTURE**

**TO THE COMMISSIONER FOR PATENTS:**

**Mail Stop Missing Parts**

The fee of **\$65.00** is to be paid as follows:

- A check in the amount of the fee is enclosed.
- The Director is hereby authorized to charge any fees which may be required, or credit any overpayment, to Deposit Account No. **19-2814**
- If an additional extension of time is required, please consider this a petition therefor and charge any additional fees which may be required to Deposit Account No. **19-2814**



*Signature*

Dated: **July 20, 2004**

**Albin H. Gess, Esq.**  
Reg. No. 25,726  
Snell & Wilmer LLP  
1920 Main Street, Suite 1200  
Irvine, CA 92614  
949-253-2700  
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I certify that this document and fee is being deposited on 7-20-2004 with the U.S. Postal Service as first class mail under 37 C.F.R. 1.8 and is addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.



*Signature of Person Mailing Correspondence*

CC:

**Marc Fregoso**

*Typed or Printed Name of Person Mailing Correspondence*

Pennell's employment if Pennell could not return to work without restrictions on January 7, 2016, when Pennell's FMLA leave ended.

22. In or around December 2015, Pennell again asked the Supervisor if she could telework. Pennell's request was denied.

23. In or around December 2015, the Supervisor gave Pennell a performance evaluation, stating that Pennell met Defendant's performance expectations.

24. At no time did Defendant approve Pennell's requests to telework as a reasonable accommodation for her disability. Pennell could have performed the essential functions of her position with the reasonable accommodation of telework.

25. On January 8, 2016, Defendant terminated Pennell's employment because Pennell was unable to return to work after exhausting her FMLA leave.

26. At all relevant times, Pennell was a qualified individual with a disability under Sections 3 and 101(8) of the ADA, 42 U.S.C. §§ 12102 and 12111(8).

27. Defendant refused to provide Pennell, a qualified individual with a disability, with a reasonable accommodation of telework, in violation of the ADA.

28. Defendant's refusal to accommodate Pennell culminated in the termination of Pennell's employment with Defendant, in violation of the ADA.

29. The effect of the practices complained of above has been to deprive Pennell of equal employment opportunities and otherwise adversely affect her status as an employee, because of her disability and need for reasonable accommodation.

30. The unlawful employment practices complained of above were intentional.

31. The unlawful employment practices complained of above were done with malice or with reckless indifference to the federally protected rights of Pennell.

**PRAYER FOR RELIEF**

Wherefore, the Commission respectfully requests that this Court:

A. Grant a permanent injunction enjoining Defendant, its officers, agents, servants, employees, attorneys, and all persons in active concert or participation with it, from discriminating against individuals because of their disabilities, including discrimination in hiring, firing, failing to provide reasonable accommodation to qualified individuals with disabilities, and any other employment practice which discriminates on the basis of disability.

B. Order Defendant to institute and carry out policies, practices, and programs which provide equal employment opportunities for qualified individuals with disabilities, including individuals who request telework as accommodation, and which eradicate the effects of its past and present unlawful employment practices.

C. Order Defendant to make Pennell whole, by providing appropriate backpay with prejudgment interest, in amounts to be determined at trial, and other affirmative relief necessary to eradicate the effects of its unlawful employment practices, including but not limited to reinstatement or front pay.

D. Order Defendant to make Pennell whole by providing compensation for past and future pecuniary losses resulting from the unlawful employment practices

described above, including COBRA and other medical expenses, in amounts to be determined at trial.

E. Order Defendant to make Pennell whole by providing compensation for past and future nonpecuniary losses resulting from the unlawful practices complained of above, including, emotional suffering, inconvenience, humiliation, loss of enjoyment of life, loss of civil rights, and other non-pecuniary losses pain, in amounts to be determined at trial.

F. Order Defendant to pay Pennell punitive damages for its malicious and reckless conduct, as described above, in amounts to be determined at trial.

G. Grant such further relief as the Court deems necessary and proper in the public interest.

H. Award the Commission its costs of this action.

**JURY TRIAL DEMAND**

The Commission requests a jury trial on all questions of fact raised by its complaint.

Respectfully submitted this the 12<sup>th</sup> day of July, 2017.

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

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